

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IGNACIO FIGEROA, ) 8:07CV460  
 )  
 Plaintiff, )  
 )  
 v. ) **MEMORANDUM**  
 ) **AND ORDER**  
 TYSON FRESH MEATS, INC., a )  
 subsidiary of Tyson Foods, Inc., )  
 )  
 Defendant. )

This matter is before the court on its own motion. On December 10, 2008, the court entered a Memorandum and Order requiring Plaintiff to "to file a sworn statement explaining why this case should not be dismissed for failure to prosecute and describing the discovery that Plaintiff has conducted to date, if any." (Filing No. 36.) Plaintiff filed a Response on January 23, 2009, but the Response relates only to the award of attorney fees in one of Plaintiff's related cases, Case No. 8:06CV748. (Filing No. 37.) Plaintiff has not set forth sufficient cause to avoid dismissal.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

July 24, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge